

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-40026-FDS 9
)
 BRIAN VALLEE, a/k/a)
 "Chunky,")
)
 Defendant.)
)

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America and the Defendant Brian Vallee, by his counsel, Miriam Conrad, Esq., hereby submit this joint memorandum to advise the Court that an initial status conference, now scheduled for December 27, 2004, is not necessary, and ask the Court to concur, pursuant to Local Rule 116.5(A).

Status of the Case

The government has provided Defendant's counsel with discovery in this case in accordance with Fed. R. Crim. P. 16 and Local Rule 116.1. Defendant's counsel needs a meaningful opportunity to review the discovery with Defendant.

In addition, review of discovery and discussions between the parties in light of the discovery will allow the parties to address the issues set forth in Local Rule 116.5.

Finally, Defendant requests until January 14, 2005 to file any discovery requests.

Accordingly, the parties request that an interim status conference be re-scheduled in mid-February 2005. This period

will allow Defendant to complete a review of discovery, make additional discovery requests, if necessary, and allow the parties to confer regarding the issues set forth in Local Rule 116.5.

Local Rule 116.5(A)(5)

The parties agree that the period from November 26, 2004, the date on which excludable time expired pursuant to the Court's November 12, 2004 order, until the date of the initial status conference in mid-February 2005, as requested herein, is excludable. The parties ask the Court to so find, based upon the following grounds: (1) the pendency of a motion to detain; (2) Defendant's detention by State authorities; and (3) the parties use of the period of the continuance to review discovery and confer, and a finding by the Court that a continuance for these purposes serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

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David Hennessy
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BRIAN VALLEE

By: Miriam Conrad, Esq.
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